

Please type a plus sign (+) inside this box →



PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Application Number	Not Assigned
	Filing Date	December 22, 2000
	First Named Inventor	Ainsworth, et al.
	Group Art Unit	Not Assigned Yet
	Examiner Name	Not Assigned
Total Number of Pages in This Submission	Attorney Docket Number ACS-54804	

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	See Below for Additional Enclosures
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	Additional Enclosures: Petition Under 37 CFR Section 1.10(e) for Application Filing Date; Declaration of Jane E. Barnett; Copies of the following documents: Acknowledgment postcard; two pages of Form PTO-1082; Request and Certification under 35 U.S.C. Section 122(b)(2)(B)(i); 26 page Patent Application of Ainsworth, et al.; seven sheets of drawings, postcard; and check in the amount of \$130.00
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John S. Nagy; Registration No. 30,664 FULWIDER PATTON LEE & UTECHT, LLP
Signature	<i>John S. Nagy</i>
Date	6-7-01

CERTIFICATE OF MAILING BY EXPRESS MAIL			
I hereby certify that this correspondence is being deposited with the United States Postal Service <del>XXXXXX</del> envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: June 4, 2001			
Typed or printed name	John S. Nagy		
Signature	<i>John S. Nagy</i>	Date	6-7-01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 130.00

## Complete if Known

Application Number	Not Assigned
Filing Date	December 22, 2000
First Named Inventor	Ainsworth, et al.
Examiner Name	Not Assigned
Group Art Unit	Not Assigned
Attorney Docket No.	ACS-54804

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 06-2425  
Deposit Account Name Fulwider Patton

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	130
123 50	123 50	Petitions related to provisions: applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(c))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) _____			
* Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ ) 130

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1) (\$ )			

### 2. EXTRA CLAIM FEES

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

Name (Print/Type)	John S. Nagy	Registration No. (Attorney/Agent)	30,664	Telephone	(310) 824-5555
Signature	<i>John S. Nagy</i>	Date	6-7-01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:	)	Examiner: Not Assigned Yet.
	)	
Ainsworth, et al.	)	Group Art Unit: Not Assigned Yet
	)	
Serial No.: Not Assigned Yet	)	Application Express Mail Label No.
	)	EL691914024US - Mailed 12/22/00
Filed: December 22, 2000 (No Filing Date	)	
Received from PTO)	)	Express Mail Label No. of this
	)	Document: EL 737699338 US
For: INTRAVASCULAR STENT	)	
	)	June 4, 2001

**PETITION UNDER 37 CFR § 1.10(e) FOR APPLICATION FILING DATE**

Commissioner For Patents  
Washington, DC 20231

Sir:

Applicants petition the Commissioner for a filing date of December 22, 2000, for the above-referenced application. The application was filed by applicants' attorney, using Express Mail under the provisions of 37 CFR § 1.10(a). No response has been received from the Patent Office -- not a return postcard nor a filing receipt. Applicants' attorney believes that the application has been lost in the Patent Office, because the United States Postal Service has verified that the Patent Office received the application on December 26, 2000.

Attached are copies of the papers that were sent to the Patent Office by Express Mail on December 22, 2000. They are:

1. Copy of Acknowledgment Postcard;
2. Two pages of Form PTO-1082;
3. Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i);
4. The twenty-six (26) page Application of Stephen D. Ainsworth and E Tina Cheng on an Intravascular stent; and
5. Seven (7) sheets of drawings.

Also attached is a photocopy of the Express Mail mailing receipt for the application, Label No. EL 691914024US. That number is identified on the papers that were filed with the Patent Office.

It should be noted that the Application was filed with missing parts, and applicants' attorney is prepared to file those missing parts upon receipt of a request to file missing parts from the Patent Office.

Attached is the Declaration of Jane E. Barnett regarding the preparation and mailing of the patent application. Ms. Barnett prepared the application for mailing. She gave it to the clerical staff of Fulwider Patton Lee & Utecht, LLP, who then mailed it. Evidence of the mailing includes the mailing receipt and the page from the Fulwider Patton log (copy attached) that documents every Express Mail mailing to the Patent Office. Ms. Barnett's declaration also attests to her preparation and maintenance of the file folder in which the attachments to this Petition have been maintained. In addition, as the Declaration of Ms. Barnett states, on March 22, 2001, she conferred with the United States Postal Service and was told that the package with the patent application's tracking number was delivered to the Patent Office on December 26, 2000.

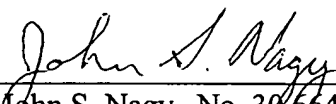
This Petition is being filed promptly. After not receiving a return postcard that was included with the application, applicants' attorney waited a reasonable time to receive a filing receipt for the application. No filing receipt has ever been received. Approximately five months have passed since the application was filed, and applicants' attorney believes that the entire application has been lost in the Patent Office. Therefore this Petition is now being filed.

PATENT  
Atty Docket No. ACS-54804 (22571)

A Petition Fee of \$130.00 is attached. The Commission is authorized to charge deposit account no. 06-2425 for any additional fees associated with this Petition.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By   
John S. Nagy, No. 30,664

FULWIDER PATTON LEE & UTECHT, LLP  
6060 Center Drive, Tenth Floor  
Los Angeles, California 90045  
tel: (310) 824-5555  
fax: (310) 825-9696  
Customer No. 24201

206641.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:	)	Examiner: Not Assigned Yet.
	)	
Ainsworth, et al.	)	Group Art Unit: Not Assigned Yet
	)	
Serial No.: Not Assigned Yet	)	Application Express Mail Label No.
	)	EL691914024US - Mailed 12/22/00
Filed: December 22, 2000 (No Filing Date	)	
Received from PTO)	)	Express Mail Label No. of this
	)	Document: EL 737699338 US
For: INTRAVASCULAR STENT	)	
	)	June 4, 2001
	)	

---

**DECLARATION OF JANE E. BARNETT**

I, Jane E. Barnett, declare:

I have personal knowledge of the following facts and I am competent to testify about them. I am an employee of applicants' attorneys, Fulwider Patton Lee & Utecht, LLP ("the firm"). I work directly for John S. Nagy, who drafted the application referenced above.

This declaration is submitted as part of the Petition to the Patent Office to obtain a filing date for the above-referenced application. I personally prepared the application for filing, including the Patent Office forms and the Express Mail package in which the application was mailed. The package was properly addressed with sufficient postage and included the patent application of twenty-six (26) pages, seven (7) sheets of drawings, a Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i), PTO Form 1082, and a return postcard.

After preparing the package, I presented it to John S. Nagy. Mr. Nagy reviewed the package, signed the forms, and returned the package to me.

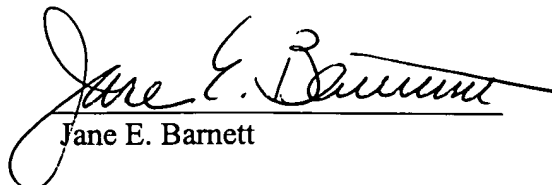
I placed the package in a basket adjacent to my desk. According to established firm procedures, this basket is specifically used for outgoing mail and its contents are picked up periodically during the day. Express Mail packages bound for the Patent Office are collected from the baskets, placed in a special location in the firm's mail room, and delivered to the United States Postal Service before the 5:00 p.m. mailing deadline. This procedure was followed on December 22, 2000, as evidenced by the time and date of the Express Mail label. Additional evidence of mailing includes our firm log, which is kept to document Express Mail mailings. Attached is a copy of the log page that documents the mailing of package no. EL 691914024US by Javier Andrade (initials "JA" on the log), who left the firm's employ several weeks ago. The initials "JSN/JB" next to the mailing label number identify Mr. Nagy and myself as those who prepared the application and package.

Prior to mailing the package with the application, I made copies of the application, including all of the contents of the Express Mail package. All of these items were placed in a folder which was created and is maintained by me. The copies attached to this Petition come from that folder.

Approximately three months after mailing, we had not received the return postcard I had included in the application. I called the United States Postal Service to specifically check on the package, which had an Express Mail No. of EL691914024US. I was informed by the Postal Service that the package had been delivered to the Patent Office at 7:30 a.m. on December 26, 2000, the first working day after the Christmas holiday.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Dated: 6-4-01

  
Jane E. Barnett

FULWIDER PATTON LEE & UTECHT, LLP  
6060 Center Drive, Tenth Floor  
Los Angeles, California 90045  
206644.1

## EXPRESS MAIL LOG

DATE DEPOSIT	EXPRESS MAIL NO.	POSTAGE AMT.	CLIENT I. D.	MATTER NO.	POST OFFICE	TIME OF DEPOSIT	TIME OF LOG ENTRY	DEPOSITOR'S INITIALS
12/22	EL691914024US 1st JB		ACS	54804	WE	4:55	5:20	M
	EL691914015US JN/STB		ACS	54806		4:53		
	EL 590184493 US DGR/RW		MICRU	56359		4:51		
	EL589904737US DSS/SF		HRT	52703		4:49		
	EL691920529US RET/RW		ACS	55281		4:47		A
	EL590184802 US 45/DB/RW		TWER	4852	WE	4:52	5:30	#
	EL590184989US JSH/KAS		ACS	56333		4:54	5:30	L
	EL691919358US PTF/GB		AGB	53510		4:56	5:30	R
	EL573741695US SSS/AL		CUSTB	55808		4:55	5:30	W
	EL372192025US SSS/AL		CUSTB	51015		4:53	5:30	A
	EL589904754US DSS/SF		HRT	47744		4:46	5:30	L
	EL691914130US JSH/SB		ACS	42616		4:45	5:30	
12/28/00	EL590183855US THM/AL		ACS	549388		4:44		
12/28/00	EL691913678US IMM/GM		R&B	56240		4:48		
12/28/00	EL590183878US THM/AL		ACS	55766		4:43		

★ Last scheduled pick up for Mail Clerk is 4:00 p.m. in order to rush over to the Post Office by 4:00 p.m.



# POST OFFICE TO ADDRESSEE



UNITED STATES POSTAL SERVICE™

## ORIGIN (POSTAL USE ONLY)

Postage Paid 60745	Day of Delivery Next <input checked="" type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date in 12-12-00	Time in 10:55 AM	Postage \$15.75
Weight 1 lb 9 oz	Initial Alpha Country Code	Return Receipt Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/>	Acceptance Clerk Initials	COD Fee
	Total Postage \$7.00	Insurance Fee

## CUSTOMER USE ONLY

Method of Payment Federal Agency Acct. No. 2 Postal Service Acct. No.	Waiver of Signature (Domestic Only) <input type="checkbox"/> I wish delivery to be made without obtaining signature of addressee or addressee's agent. (If delivery employee judges all articles can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Customer Signature

FROM: PLEASE PRINT  
JOHN S. NAGY, ESQ.  
PHONE 320.824.5555

FELMUSER PATENT  
FORWARD HUBBARD CENTER  
6040 CENTER OF FL ID  
LOS ANGELES  
CA 90045-4341

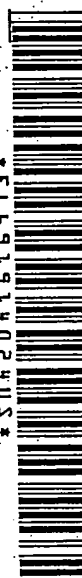
ACS 54804

TO: PLEASE PRINT

PHONE

Box PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

PRESS HARD. You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811



\*EL691914024US\*

EL691914024US

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE

Customer Copy  
Label 11-F July 1997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
Washington, D.C. 20231



24201  
PATENT TRADEMARK OFFICE

Sir:

Transmitted herewith for filing is the patent application of

Inventors: Stephen D. Ainsworth, E Tina Cheng  
For: INTRAVASCULAR STENT

Enclosed are:

- ☒ Nineteen (19) pages of specification
- ☒ Six (6) pages of claims
- ☒ One (1) page of Abstract
- ☒ Seven (7) sheets of drawing(s) ☒ Formal ☐ Informal
- ☐ Declaration or oath
- ☒ This application is being filed under 37 CFR 1.53(d) without a signed Declaration or filing fee.
- ☐ A certified copy of a \_\_\_\_\_ application.
- ☐ An associate power of attorney.
- ☐ This is a filing by a small entity under 37 CFR 1.9 and 1.27.
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449 and copies of documents listed thereon.
- ☐ An assignment of the invention to ADVANCED CARDIOVASCULAR SYSTEMS, INC.  
☐ is attached. A separate ☐ "Cover Sheet for Assignment Accompanying New Patent Application" or ☐ Form PTO 1595 is also attached.  
☐ will follow.
- ☐ Other:

The filing fee has been calculated below:

	CLAIMS	CLAIMS
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	35 - 20 =	* 15
INDEP. CLAIMS	3 - 3 =	* -0-
MULT.DEP. CLAIMS		
ASSIGNMENT RECORDAL		

SMALL ENTITY	
RATE	FEE
	\$ 355
x \$ 9	\$
x \$ 39	\$
+ \$135	\$
\$ 40	\$
TOTAL	\$

LARGE ENTITY	
RATE	FEE
	\$ 710
x \$ 18	\$ 270
x \$ 78	\$
+ \$270	\$
\$ 40	\$ 40
TOTAL	\$1,020

\*If the difference in No. of Claims filed is less than zero, enter "0" in No. of Extra

- ☐ Please charge Deposit Account No. 06-2425 in the amount of \$ \_\_\_\_\_. A duplicate copy of this transmittal is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ for the above fees is enclosed.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 06-2425. A duplicate copy of this transmittal is enclosed.
- ☐ Any additional filing fees required under 37 CFR 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 06-2425. A duplicate copy of this transmittal is enclosed.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

Date: December 22, 2000

By: \_\_\_\_\_

John S. Nagy  
Reg. No. 30,664

FULWIDER PATTON LEE & UTECHT, LLP  
Attorneys at Law  
Howard Hughes Center  
6060 Center Drive  
Tenth Floor  
Los Angeles, California 90045

Tele. (310) 824-5555  
Fax (310) 824-9696

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor      Stephen D. Ainsworth

Title      INTRAVASCULAR STENT

Atty Docket Number      ACS 54804

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/22/00

Date

  
Signature

JOHN S. NAGY, ESQ.

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**